

MEDICINE BOARD[653]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby proposes to amend Chapter 25, “Contested Case Proceedings,” Iowa Administrative Code.

The purpose of Chapter 25 is to establish procedures for contested case hearings before the Board. The proposed amendment updates a subrule to be consistent with Iowa Code section 148.7(4) regarding the composition of a Board panel that hears a contested case proceeding.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on June 3, 2016.

Any interested person may present written comments on the proposed amendment not later than 4:30 p.m. on July 26, 2016. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to mark.bowden@iowa.gov.

There will be a public hearing on July 26, 2016, at 12 noon at the Board’s office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapters 147, 148 and 272C.

The following amendment is proposed.

Amend subrule 25.18(1) as follows:

25.18(1) Hearings are conducted before a quorum of the board. When a sufficient number of board members is are unavailable to hear a contested case, the executive director, or the executive director’s designee, may request alternate members, as defined in rule 653—1.1(17A,147) and Iowa Code sections 148.2A and 148.7(4), to serve on the hearing panel. A hearing panel ~~containing alternate members~~ must include at least six ~~people~~, members, at least half of whom ~~a majority~~ must be current board members, ~~a majority~~ and at least half of whom must be members licensed to practice medicine under Iowa Code chapter 148, ~~and no more than three may be public members.~~